

REMARKS

Claims 1-32 are pending in the application. Claims 1, 8, 15, 20, and 25 have been amended.

Examiner Interview Summary

The undersigned and one of the named inventors, Dean Hiller, conducted an interview with Examiner Bunjob Jaroenchonwanit on November 12, 2010. During that interview, Applicants generally discussed the claims including claims 1, 15, and 25-27 and the differences between the claimed invention and the Agraharam and Carden references. The Applicants also discussed the terms “phone call receiving device” and “phone number detection device” as it relates to the 35 USC 101 and 112, second paragraph rejections. No agreement was reached. The Examiner suggested amending the specification to make clear that these “devices” mentioned above are physical items as opposed to abstract concepts.

Objections to the Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Office Action objects to the phrases “phone receiving device” and “phone number detection device” and that one of ordinary skill in the art would be unable to establish the metes and bounds of the phrases. It is noted that the phrase “phone receiving device” does not appear in the specification or claims. Claim 1, for example, includes the phrase “phone call receiving device.” The term is intended to cover all devices that are capable of receiving a telephone call and one of ordinary skill in the art would understand that

such devices include a telephone, a pager, a fax machine, a modem, a call center system, etc. Paragraph 0006 refers to a call system. In claim 25, the phrase is “phone call data receiving system” and claims 27 and 28 (as filed with the original application) refer to a call paging device and facsimile device. Much of the specification discusses the use of phone services in making and receiving calls (note Figs. 1-3 refer to a “telephone”). As suggested by the Examiner, Applicants have amended the specification to refer to a phone call receiving device as a tangible item (i.e., hardware or hardware executing software). In view of the above, reconsideration and withdrawal of the objection to the specification is respectfully requested.

Rejection of the Claims under 35 U.S.C. § 112, Second Paragraph

Claims 1-32 were rejected under 35 USC 112, second paragraph as failing to distinctly claim the invention. It appears that the Office has taken the position that the term “device” in all occurrences may read on software (i.e., something intangible). With the amendment to the specification concerning a phone call receiving device, reconsideration and withdrawal of the rejection of claims 1-32 under 35 USC 112, second paragraph is respectfully requested.

Claims 1-7, 15-19 and 25-28 were rejected under 35 USC 112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements. In particular, the Office Action states that the structural relationship between a phone call receiving device and a system website is not included in these claims. Claims 1, 15 and 25 have been amended to specifically refer to a system website coupled to the Internet, which is coupled to the phone call receiving device and the phone number detection device.

Similarly, claims 8-14, 20-24, and 29-32 were rejected under 35 USC 112, second

paragraph as omitting the step of obtaining a phone number for verification. Though it is believed that such a step was implicit in the claims before amendment, claims 8 and 20 have been amended to include this step. It is respectfully noted that claim 29 has not been so amended because the step of obtaining a phone number for verification is not performed in the method of this claim. In view of the amendments to the claims, reconsideration and withdrawal of the rejections of claims 1-32 under 35 USC 112, second paragraph is respectfully requested.

Rejection of the Claims under 35 U.S.C. § 101

Claims 8-14, 20-24 and 29-32 were rejected under 35 USC 101 as not falling within one of the four statutory categories of invention. Applicants submit that these claims satisfy the machine transformation test in that they are tied to specific devices such as a “phone call receiving device”, “phone number detection device”, and “phone call data receiving device.” These devices would be understood as tangible machines. For example, a phone call receiving device would be understood to be any of a variety of devices such as telephones, cell phones, fax machines, pagers, etc. As suggested by the Examiner, the specification has been amended to include a more explicit definition of the phone call [data] receiving device. The remaining claims have also been rejected under 35 USC 101 for similar reasons and such rejection is also obviated by the Examiner’s suggestion to amend the specification. In view of this, reconsideration and withdrawal of the rejection of claims 1-32 under 35 USC 101 is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-26 and 29-30 were rejected under 35 USC 103(a) as being unpatentable over US 5,987,508 (“Agraharam”) in view of US 2001/0039592 (“Carden”). Claims 27-28 and 31-32 were rejected under 35 USC 103(a) as being unpatentable over Agraharam in view of Carden in view of what is deemed to be well-known in the art.

Embodiments of the present invention pertain to a mechanism to assign ownership of a web site to a user where previously at least one phone number is associated with the user-specific website. For example, claim 1 refers to a system where a website request is performed at a system website establishing a website claim to the user-specific website, and confirming that website claim by a telephone call where a phone number detection device verifies at least one phone number associated with the user-specific website. In claims 25 and 29, a website request is performed at a system website resulting in a personal identification number being sent to a phone call data receiving device where the receiving device is accessed through a phone number associated with the user-specific website. The provided personal id number can be used, for example, to complete the claiming of the website by entering it at the website.

Thus, starting with claim 1, there are several features missing from the Agraharam reference. Agraharam is concerned with providing a PIN number to a user and making sure that the appropriate user receives it. Though Agraharam describes the use of phone number detection (e.g., ANI at Col. 6, lines 45-46), Agraharam pertains to providing the PIN via US mail (“snail mail”)(Col. 6, line 40). “Agraharam” is clearly relying on a billing system to make sure that a user receives the PIN, not possession of the device at the end of the phone number. In other

words, Agraharam makes sure that the user at a particular residence has received the PIN number by US mail by having that user call into an Interactive Voice Response System using the phone line associated with the particular residence. Missing from Agraharam is any form of website request for a user-specific website with a phone number associated with the user-specific website. According to the terms of claim 1, a website claim to the user-specific website is confirmed by calling from the phone number that is associated with the user-specific website.

Carden also is silent as to claiming a website with a phone number associated with the web-site. Though Carden describes creation of a URL that includes a user's phone number, Carden does not describe a creation of a web-site and a user requesting or claiming such a web-site by the user as recited in claim 1. As seen in paragraphs 0027-28, Cardin describes how a user can search for a web-site having his/her telephone number or create one using his/her telephone number. Since Cardin does not describe the claiming of a web-site associated with a telephone number, it cannot be said that Cardin describes or even contemplates using a call from that telephone number to validate that the appropriate user is claiming the web-site. Claims 8, 15 and 20 include similar limitations to claim 1 and should be allowable for the same reasons.

Claims 25 and 29 pertain to a system and method for claiming a user-specific web-site. In these claims, a personal identification number is sent to a phone call data receiving device through the phone number that is associated with the claimed user-specific web-site. As described above, neither Agraharam nor Carden teaches the claiming of a user-specific web-site, and neither of these references describes the transmitting of a PIN number to user using the phone number associated with the web-site.

In view of the above, reconsideration and withdrawal of the rejection of claims 1-32 under 35 USC 103(a) is respectfully requested.

Conclusion

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON

Dated: November 15, 2010

By: /Shawn W. O'Dowd/
Shawn W. O'Dowd
(Reg. No. 34,687)

KENYON & KENYON
1500 K Street, NW, Suite 700
Washington, DC 20005

Telephone: (202) 220-4200
Facsimile: (202) 220-4201
DC1-875391